

PROCEEDINGS OF THE COMMON COUNCIL

IN Regular SESSION

Tuesday, October 10, 1972

CITY OF FORT WAYNE, INDIANA

Journal of the Proceedings

of the Common Council

Franklin Junior High School,

The Common Council of the City of Fort Wayne met in the ~~Council Chambers~~ Council Chambers Tuesday
1903 St. Marys Ave., Fort Wayne, Indiana

evening, October 10, A.D., 1972 in Regular Session. President John

Nuckols in the chair, and Charles W. Westerman, Clerk, at the desk, present

the following members _____ viz:

(9) Burns ✓, Hinga ✓, Kruse ✓, Nuckols ✓, Moses ✓,
Donald Schmidt ✓, Vivian Schmidt ✓, Steir ✓, Talarico ✓.

Absent _____: Councilman _____.

The invocation was given by Reverend Will Lawson, Sr., First-Wayne Street
United Methodist Church.

Received report from the City Controller for the month of _____, 197____.

Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last regular September 26, 1972 session having been
delivered to the Council, were, on motion, approved as published.

MADE A MATTER OF RECORD

DATE _____ CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

office of the mayor

COMMUNICATION FROM THE MAYOR

September 27, 1972
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, September 27, 1972, I have approved the following ordinances passed by the Common Council at its regular meeting on September 26, 1972.

(Bill No. A-72-09-01)
APPROPRIATION ORDINANCE NO. A-13-72

AN ORDINANCE transferring funds within the 1972 Budget of the Civil Defense Office

(Bill No. S-72-09-08)
SPECIAL ORDINANCE NO. S-80-72

AN ORDINANCE authorizing the execution of a deed to the State of Indiana for certain real estate owned by the City of Fort Wayne, Indiana.

(Bill No. R-72-09-30)
RESOLUTION NO. R-38-72

A RESOLUTION authorizing the temporary advancement of funds from the St. Mary's River Impounding, Sewer Relief, Local Road and Street, Park Trust, Park Cumulative fund (funds) to the Civil City General Fund, Police Pension Fund, Fire Pension Fund and Park General Fund (Funds) for the period ending December 31, 1972.

(Bill No. Z-72-09-31)
ZONING MAP ORDINANCE NO. Z-13-72

AN ORDINANCE Correcting an Ordinance No. Z-05-72 amending City of Fort Wayne Zoning Map No. A-19.

(Bill No. S-72-06-14)
SPECIAL ORDINANCE NO. S-81-72

AN ORDINANCE approving bid document Ref. No. 444, with Gladioux Refinery, Inc. for SCL Road Oil for the Street Department.

(Bill No. S-72-09-04)
(Amended)
SPECIAL ORDINANCE NO. S-82-72

AN ORDINANCE amending Special Ordinance No. S-52-72.

(Bill No. S-72-09-16)
SPECIAL ORDINANCE NO. S-79-72

AN ORDINANCE repealing Special Ordinance No. S-24-72 which approved a certain bid document with WAYNE WASTE OIL for 350,000 Gal. SCl Road Oil.

(Bill No. S-72-09-07)
SPECIAL ORDINANCE NO. S-83-72

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for a sanitary sewer to serve the City's Water Construction Complex.

Respectfully submitted,


Ivan A. Lebamoff
Mayor

MADE A MATTER OF RECORD
DATE 10-10-72 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

board of public works

October 4, 1972

Common Council
City of Fort Wayne

Gentlemen and Ms. Schmidt:

Pursuant to a legal opinion rendered by the City Attorney, on September 29th, 1972, I respectfully request the Committee on Public Works to withdraw Bill S-72-09-05.

It presently appears that Council does not have to be burdened with approval of every operational expenditure by the Board of Public Works. The Mayor is now working with your President and Clerk in order to devise a system to keep Council informed yet avoid time-consuming duplication.

Respectfully yours,

Dr. Jerry D. Boswell, Chairman
Board of Public Works

JDB/ss

MADE A MATTER OF RECORD
DATE 10-10-72 CHARLES W. WESTERMAN, CITY CLERK



CITY OF FORT WAYNE
CITY-COUNTY BUILDING
ONE EAST MAIN STREET
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN
CITY CLERK

October 9, 1972

The Honorable Ivan A. Lebamoff
Mayor, City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

Re: Rental Agreement with the
National Cash Register Company
Bill S-72-09-05

Dear Mr. Mayor:

The Common Council of the City of Fort Wayne has unanimously instructed me to communicate to you its great displeasure with the manner in which the subject contract was handled.

To review the facts, by letter dated September 5, 1972, the members of the Board of Public Works requested the office of the City Attorney to prepare an ordinance to be introduced during the meeting of the Common Council on September 12, 1972, in which the Council would be asked to approve the subject contract. By letter dated September 14, 1972, Dr. Jerry D. Boswell, Chairman of the Board of Public Works, advised the Common Council that the City of Fort Wayne cannot receive certain benefits from the proposed contract "until the agreement is approved". Since he then asked for advance approval of the agreement by the nine members of the City Council, we conclude that the approval to which he referred was that of the City Council.

On approximately September 15, 1972, prior to having received the approval of the City Council, the Board of Public Works executed the subject contract. When doing so, the Board of Public Works must have been cognizant of the embarrassment that their action would cause to the members of the City Council. By House Memorandum, dated September 29, 1972, a copy of which was received by this office on October 3, 1972, the City Attorney advised you that the approval of this contract by the City Council was not necessary. The opinion also

CONCURRED IN

MADE A MATTER OF RECORD
DATE _____

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK
DATE 10/10/72 CHARLES W. WESTERMAN, CITY CLERK

accurately quotes Burns' Indiana Statutes, 48-1475, in part, as follows:

" *** no power belonging to one branch of government shall be exercised by the other branch thereof."

If, as Mr. Keller stated, the Board of Public Works has the power to execute the subject contract without the approval of the Common Council of this city, any action taken by the Common Council to approve or disapprove the subject contract would have been a meaningless gesture and, possibly, be understood by some to be an attempt by it to exercise a power belonging to the Executive Branch of the City Government and, consequently, a violation of the quoted part of Burns' Indiana Statutes, 48-1475. For that reason, and others, the standing committee on Public Works of the Common Council has recommended that the ordinance be withdrawn without any action thereon. It is anticipated that the ordinance will be withdrawn during the meeting of the Common Council now scheduled for the Franklin Junior High School on the evening of October 10, 1972.

Although Mr. Keller's Memorandum recognizes the general distinction between the powers of the Executive and Legislative branches of City government, it does not directly deal with what, if any, responsibility the Common Council has with regard to expenditures of this size and the contract which creates the City's obligation to expend funds. So that the Common Council may have a more clear understanding of its responsibility in this area, I have been instructed to seek a ruling on this question from the Indiana State Board of Accounts. The Common Council has no desire to avoid its responsibility but, likewise, is not willing to be used as a shield.

The members of the Council feel strongly that, when it receives an ordinance requested by the Executive branch of government and approved as to form and legality by the City Attorney, the action of the City Council on the question presented by the ordinance is required and that its action with regard thereto will not constitute a usurpation of the powers vested in the Executive branch of the government. The City Council considers its time too valuable to be squandered on considering questions which do not require its

The Honorable Ivan A. Lebamoff
October 9, 1972
Page 3

consideration. If its action with regard to a proposed ordinance will be meaningless, the Council prefers not to waste its time considering the question merely so that the Executive branch of the Administration will have some other body with which to share responsibility in the event that the decision by the Executive branch of government is erroneous.

The Common Council respectfully requests that, in the future, when the Executive Branch of the government has determined to take certain action which it has the power to take, the Common Council not be involved in a meaningless, pretended approval or disapproval of that action. The Council wishes to rely upon the understanding that ordinances will not be forwarded to it unless its action with regard to that ordinance is required and that the approval of the City Attorney as to form and legality includes his opinion that the action of the Common Council on the proposed ordinance is necessary and will not constitute a violation of the above-cited section of Burns' Indiana Statutes, 48-1475. By the same token, the Council has instructed me to caution the Executive Branch of the government against any attempted usurpation of the powers of the Common Council.

Respectfully yours,

Charles W. Westerman
City Clerk

cc: Mr. David B. Keller

APPROVED:

Eugene Krogg

October 10, 1972

Vincent G. Schmidt

October 10, 1972

QJ Schmidt

October 10, 1972

L. J. Marx Jr.

October 10, 1972

John Nichols

October 10, 1972

William T. Hanga

October 10, 1972

James J. Fierice

October 10, 1972

Paul A. Burns

October 10, 1972

James S. Lhu

October 10, 1972

STATE OF INDIANA

INDIANA STATE HIGHWAY COMMISSION

100 North Senate Avenue
Indianapolis, Indiana 46204



INDIANAPOLIS

Room 1101, State Office Building

317-633-5816

October 6, 1972

City Clerk
City Building
Fort Wayne, Indiana

Re: SR 14
Fort Wayne
Allen County
Speed

Dear Sir:

Attached is a copy of a resolution regulating speed on SR 14 in and near the City of Fort Wayne, Allen County, as approved by the Indiana State Highway Commission on October 5, 1972.

Very truly yours,

Clinton A. Venable

Clinton A. Venable
Chief, Division of Traffic

cc: Mayor I. Lebamoff
Clerk of Circuit Court
Sheriff R. A. Bender
State Police
Fort Wayne District

CAV/md

MADE A MATTER OF RECORD
DATE 10-10-72 CHARLES W. WESTERMAN, CITY CLERK

NOTICE OF OFFICIAL ACTION
OF
INDIANA STATE HIGHWAY COMMISSION

114-72

WHEREAS, under and by virtue of the Statutes of the State of Indiana relative to traffic regulation, the Indiana State Highway Commission has the authority and the duty to adopt and promulgate regulations in the interest of the safety and convenience of the traveling public using the highways, including streets in cities and towns, under the control of said Commission, be it known that the following traffic regulation is hereby adopted:

Speed shall be regulated on SR 14 in and near the City of Fort Wayne, Allen County, as follows:

All traffic on SR 14 from a point 1500 feet west of Hadley Road to a point 1500 feet west of the west junction of US 24, a distance of approximately 2.45 miles. Existing zone - 55 MPH and 65 MPH.

55 MPH

All traffic on SR 14 from a point 1500 feet west of the west junction of US 24 to the west junction of US 24, a distance of approximately 1500 feet. Existing zone - 40 MPH.

45 MPH

NOTE: This action amends and/or supercedes previous official action at the above named location(s).

ADOPTED THIS 5 DAY OF October, 19 72

Approved: Clinton D. Venable Indiana State Highway Commission
Chief, Division of Traffic

Approved: Dr. Hallab BY: R. H. Harrell
Chief of Highway Operations Executive Director

Approved: W. W. Thompson ATTEST:
Chief Highway Engineer

David L. Magnum
Secretary to the Commission



THE CITY OF FORT WAYNE

office of city plan commission

October 5, 1972

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are the recommendations of the City Plan Commission on four (4) ordinances concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinances are designated as:

Bill No. Z-72-07-11
Bill No. Z-72-07-12
Bill No. Z-72-07-16
Bill No. Z-72-08-25

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
5th day of October, 1972

George Roser
Secretary

DATE 10-10-72 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana



October 5, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are copies of resolutions pertaining to four (4) zoning ordinance amendments acted upon by the City Plan Commission at their regular meeting held September 25, 1972. In addition to the reasons outlined in the resolutions, the following are additional remarks pertaining to the ordinances involved.

1. Bill No. Z-72-07-11

- a. Intended Use: Beauty Shop
- b. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) This change would be in conflict with the Master Plan which provides for high density residential in this area.
- (2) The alley located to the east of this petitioned change serves as an effective buffer between residential and commercial uses in the area.
- (3) If this property were zoned commercial it would set a precedent for additional commercial development to extend to Eastbrook Drive which would be the next intersecting street to the west.
- (4) The present traffic count for this segment of State Blvd., is approximately 15,234 trips daily. Additional commercial uses would create an even greater burden on State Blvd., because of increased traffic generation.

2. Bill No. Z-72-07-12

A. Intended Use: Real Estate Office

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) This petitioned change would constitute spot zoning.
- (2) It is the feeling of the Site Committee that if those property owners fronting E. State Blvd., wish their property rezoned, they should join on one petition for the rezoning of all of their properties.

3. Bill No. Z-72-07-16

A. Intended Use: Service Station

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) The location of this petitioned change constitutes spot zoning.
- (2) This change would only be in the best interest of the petitioner.
- (3) The need does not exist for additional commercial in this area due to the construction of two shopping centers at the intersection of St. Joe and St. Joe Center Road.

4. Bill No. Z-72-08-25

A. Intended Use: Duplex

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) This change would constitute spot zoning.

October 5, 1972


4. Bill No. Z-72-08-25 Con't

- (2) This petitioned change would be in conflict with the existing land use of the area which is single family residential.

If there are any questions with regard to these ordinances, please feel free to call on us.

Respectfully submitted

CITY PLAN COMMISSION


William J. Jones
Director of Planning

WJJ:pr

Att.

CC: Mayor Ivan Lebaroff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-07-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

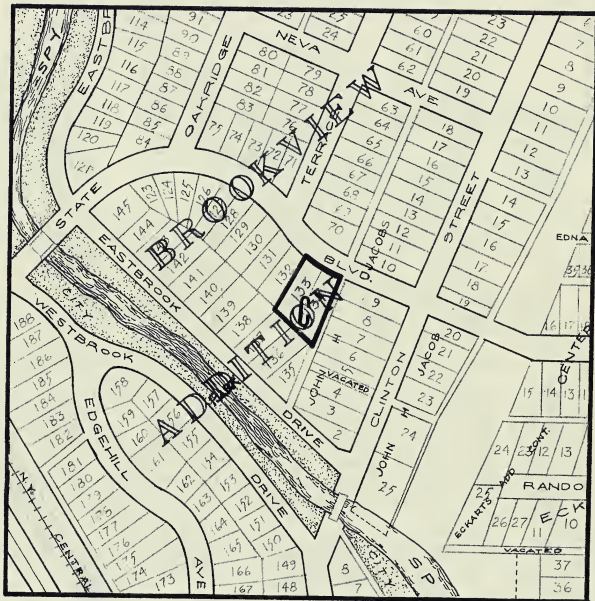
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972

George H. Roser
Secretary

2-72-07-11

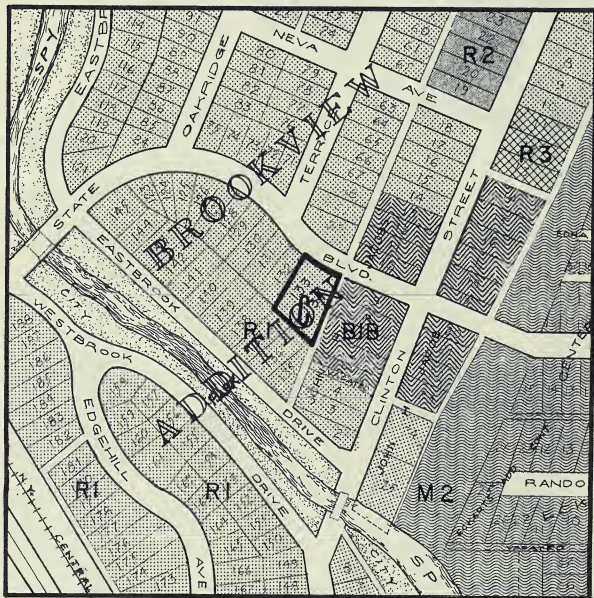


C CHANGE FROM RI TO BIA

Lot # 133 Brookview Addition. Inst. No. 70-2274

Lot # 134 Brookview Addition. Book No. 353, Page 171

2-72-07-11



EXISTING LAND USE MAP



- LIMITED BUSINESS B



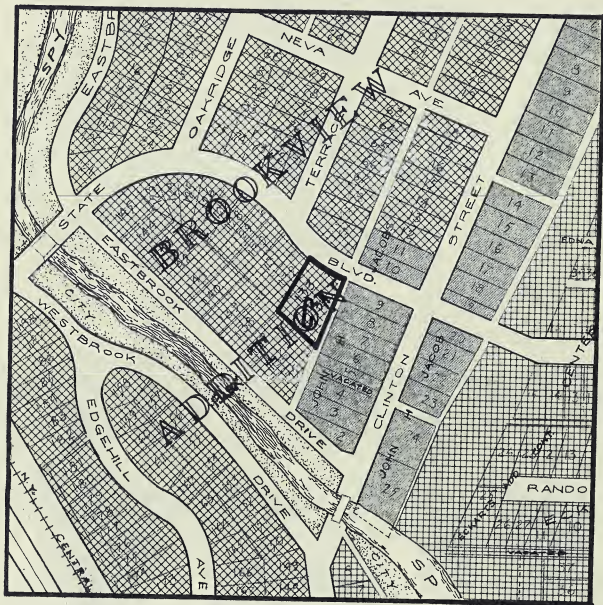
- LOW DENSITY RESIDENTIAL






- GENERAL INDUSTRY

N

2-72-07-11



PROPOSED LAND USE MAP

-  - COMMERCIAL
-  - HIGH DENSITY RESIDENTIAL
-  - INDUSTRIAL

N



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-07-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

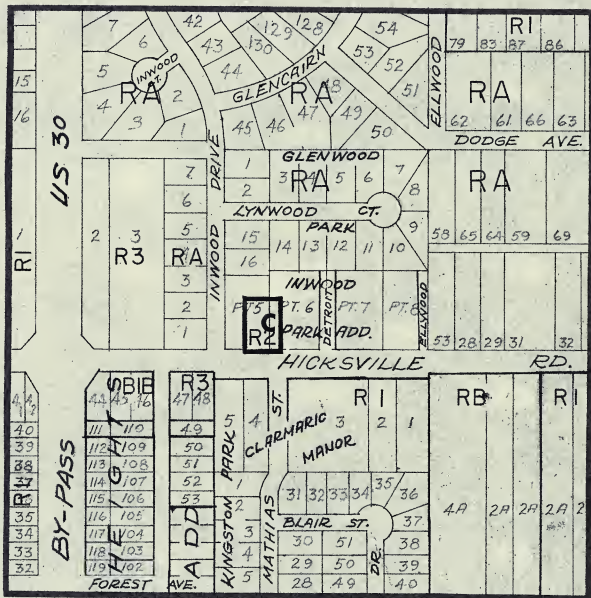
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

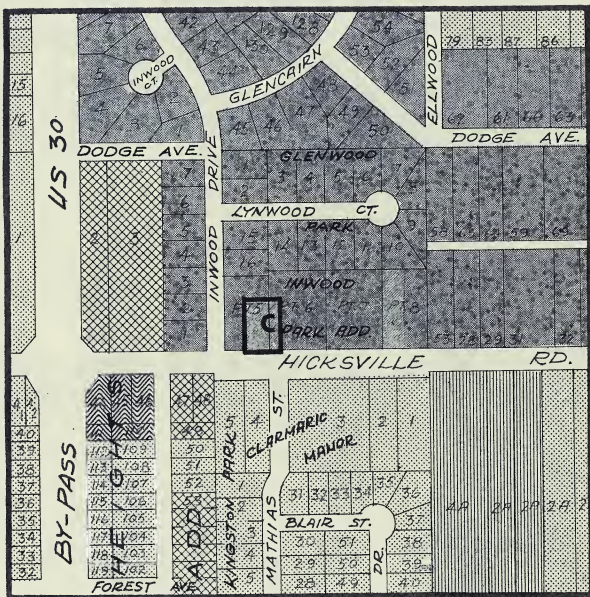
George Roser
Secretary







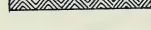
C CHANGE FROM RA TO R-3

Inwood Park East 70 Feet of South 150 feet of Lot #5 and the west 30 feet of South 150 feet, Lot #6

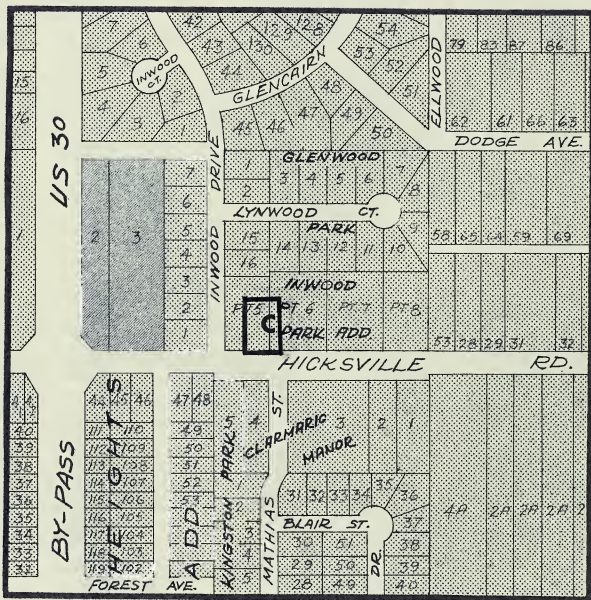
2-72-07-12



EXISTING LAND USE MAP

-  - MULTIPLE FAMILY
-  - LOW DENSITY RESIDENTIAL
-  - TWO FAMILY RESIDENTIAL
-  - LIMITED BUSINESS B
-  - HIGH DENSITY RESIDENTIAL

Z-72-07-12



PROPOSED LAND USE MAP



- COMMERCIAL



- LOW DENSITY RES.

N

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-07-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

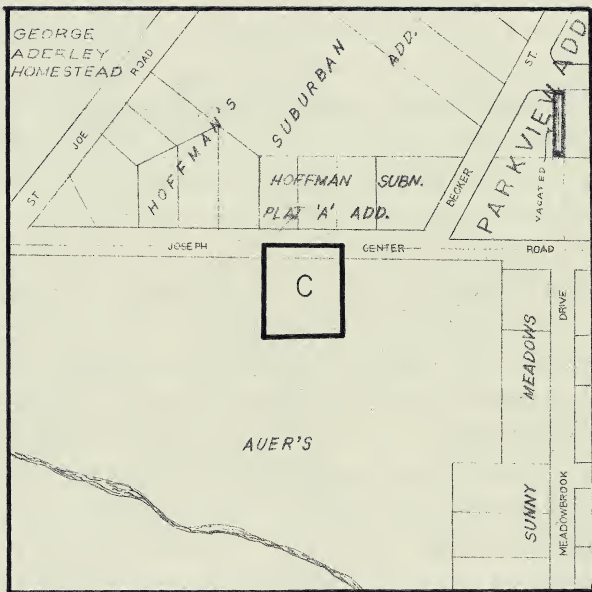
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George Roser
Secretary

2-72-07-16



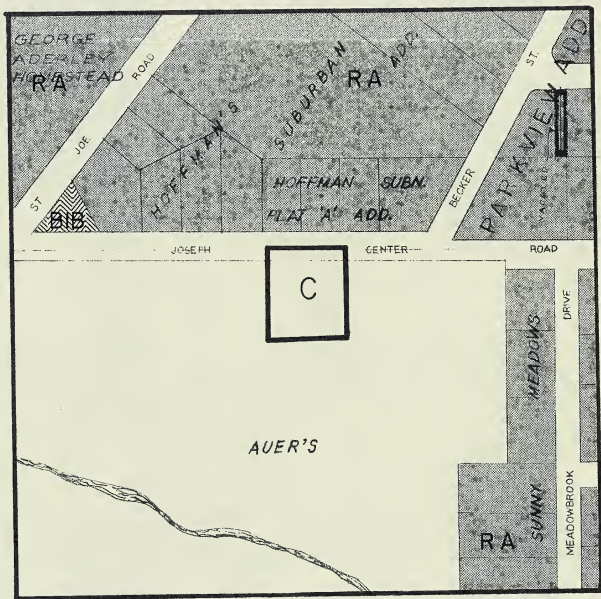
C CHANGE FROM RA TO B3B

Part of 1/4 of N 1/4 of Sec. 20, T. 31 N., R. 13 E.

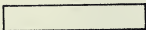


St. Joe Center Road, east of St. Joe Road



2-72-07-16

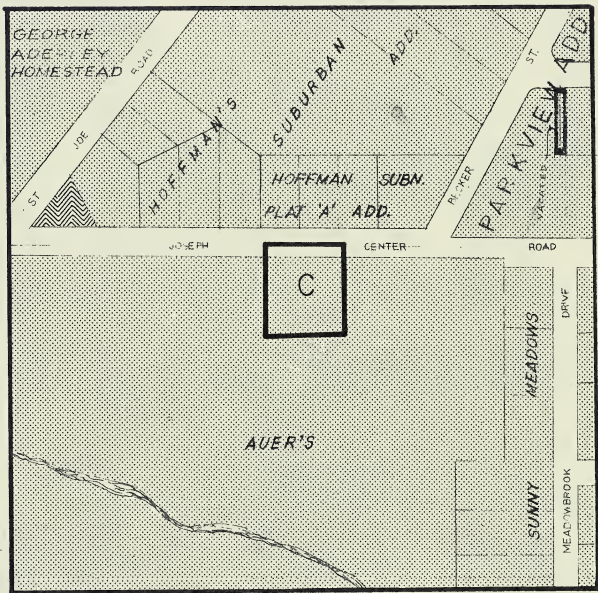


EXISTING LAND USE MAP

-  - VACANT LAND
-  - LIMITED BUSINESS B
-  - RESIDENCE A



2-72-07-16



PROPOSED LAND USE MAP



- LIMITED BUSINESS B



- ONE FAMILY RESIDENCE

N



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-08-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George H. Roser
Secretary

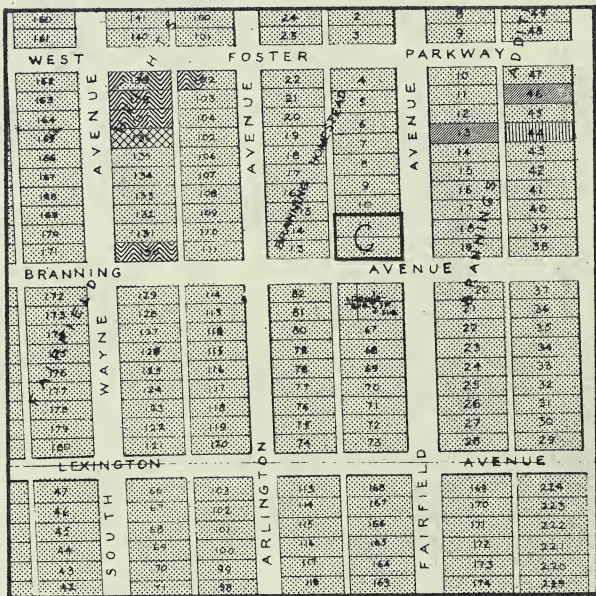
2-72-08-25

6P 161	141 140	100 101	24 23	2 3	8 9	48 48
WEST		FOSTER		PARKWAY		
162	159	102	22	4	10	47
163	158	103	21	5	11	46
164	157	104	20	6	12	45
165	156	102	19	7	13	44
166	155	106	18	8	14	43
167	154	107	17	9	15	42
168	153	108	16	10	16	41
169	152	109	15	11	17	40
170	151	110	14	12	18	39
171	150	111	13	13	19	38
BRANNING		BRANNING		BRANNING		
172	129	114	82	30	20	37
173	128	113	81	29	21	36
174	127	112	80	28	22	35
175	126	115	79	27	23	34
176	125	116	78	26	24	33
177	124	117	77	25	25	32
178	123	118	76	24	26	31
179	122	119	75	23	27	30
180	121	120	74	22	28	29
WAYNE		WAYNE		WAYNE		
47	66	103	113	168	169	224
46	67	102	114	167	170	223
45	68	101	115	166	171	222
44	69	100	116	165	172	221
43	70	99	117	164	173	220
42	71	98	118	163	174	219
SOUTH		ARLINGTON		FAIRFIELD		
LEXINGTON		LEXINGTON		LEXINGTON		





C CHANGE FROM R 1 TO R 2



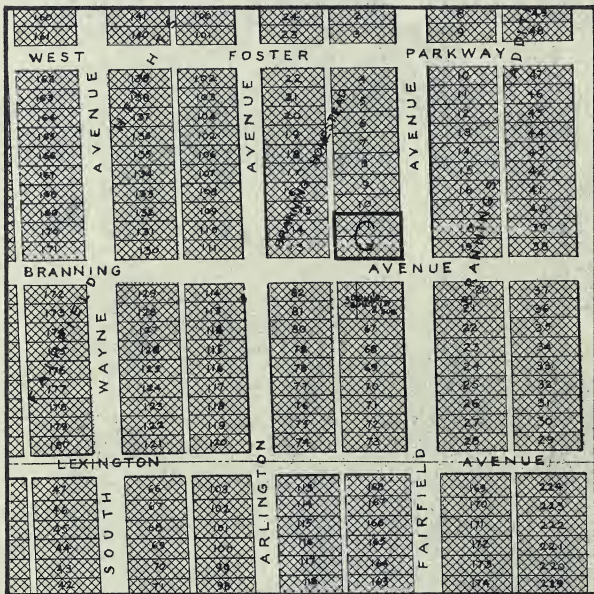
L-72-08-25



EXISTING LAND USE MAP

-  - ONE FAMILY RESIDENTIAL
-  - TWO FAMILY RESIDENTIAL
-  - COMMERCIAL
-  - MULTIPLE FAMILY RESIDENCE

2-72-08-25



PROPOSED LAND USE MAP



- LOW DENSITY RESIDENTIAL





THE CITY OF FORT WAYNE

office of city plan commission

October 5, 1972

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are the recommendations of the City Plan Commission on two (2) ordinances concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinances are designated as:

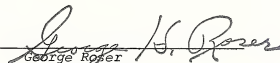
Bill No. Z-72-08-23

Bill No. Z-72-08-24

Respectfully submitted,

CITY PLAN COMMISSION

Certified and Signed this
5th day of October, 1972.


George Rorer
Secretary

MADE A MATTER OF RECORD

DATE 10-10-72 CHARLES W. WESTERMAN, CITY CLERK

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

October 5, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held September 25, 1972. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-72-08-23

A. Intended Use: Restaurant

B. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reasons:

- (1) This change would be compatible with the existing development in this area.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

William J. Jones
William J. Jones (PR)
Director of Planning

WJJ:pr
Att.

CC: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-08-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall City Plan.

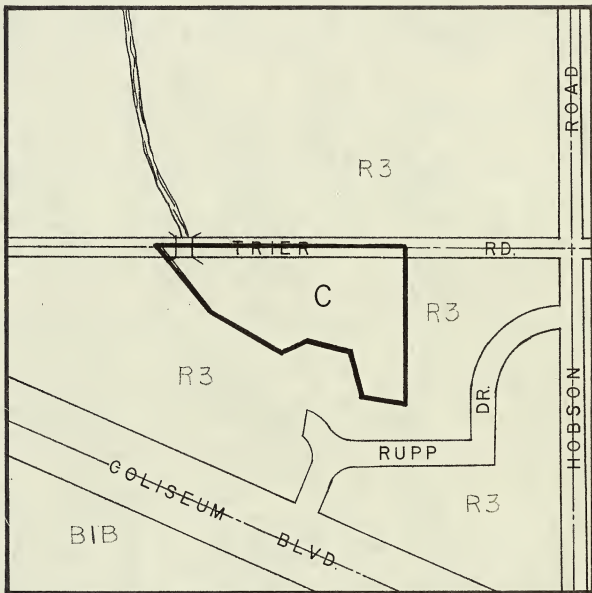
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

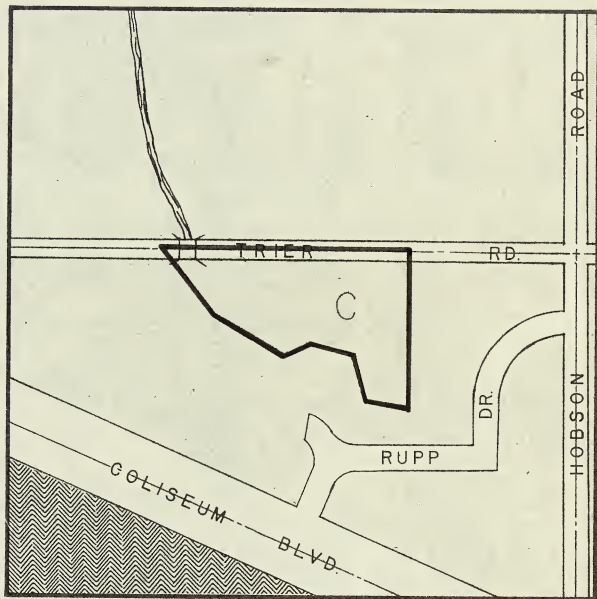
George H. Roser
Secretary

2-72-08-23

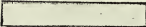



C CHANGE FROM R3 TO BIB

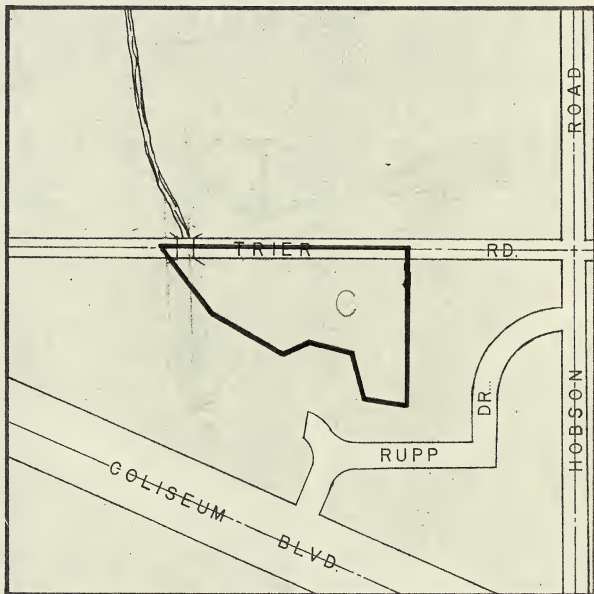
2-7208-23



EXISTING LAND USE MAP

-  - LOW DENSITY RESIDENTIAL
-  - COMMERCIAL

2-72-08-23



PROPOSED LAND USE MAP

 - LOW DENSITY RESIDENTIAL

CITY PLAN COMMISSION
City-County Building
One Main Street
Fort Wayne, Indiana

October 5, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held September 25, 1972. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-72-08-24

This ordinance was requested to be withdrawn by written request of the petitioner as attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted

CITY PLAN COMMISSION

William J. Jones
William J. Jones (P.R.)
Director of Planning

WJJ:pr
Att.

CC: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-08-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972; and,

WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the petitioner,

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the petitioner;

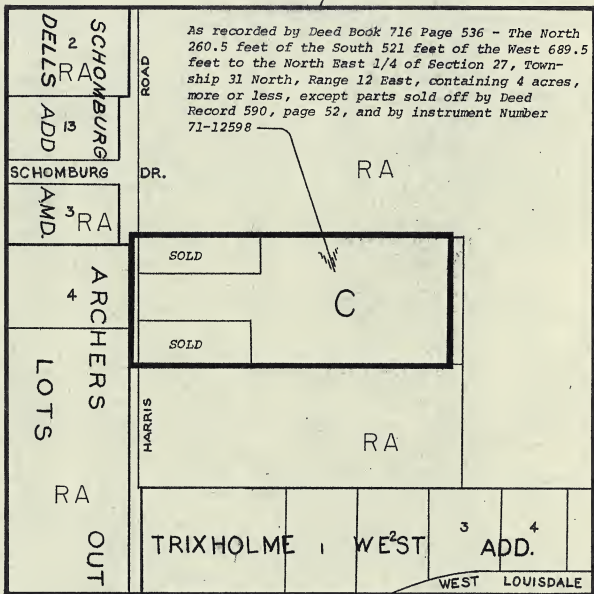
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972

George H. Roser
Secretary

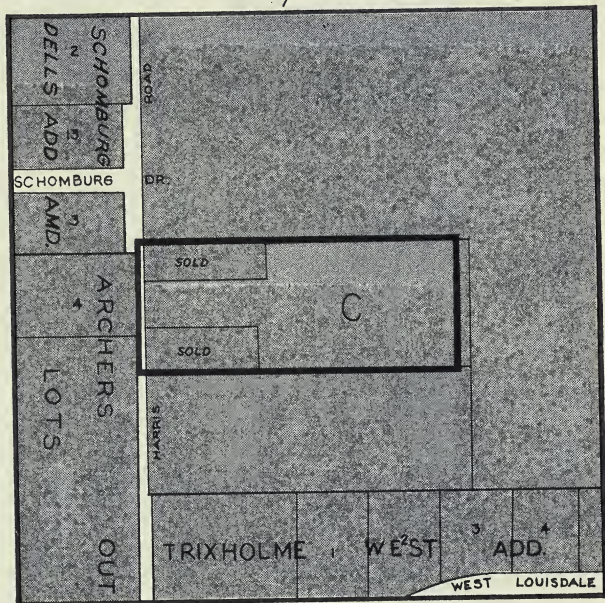
L-72-08-24



C CHANGE FROM RA TO BIA



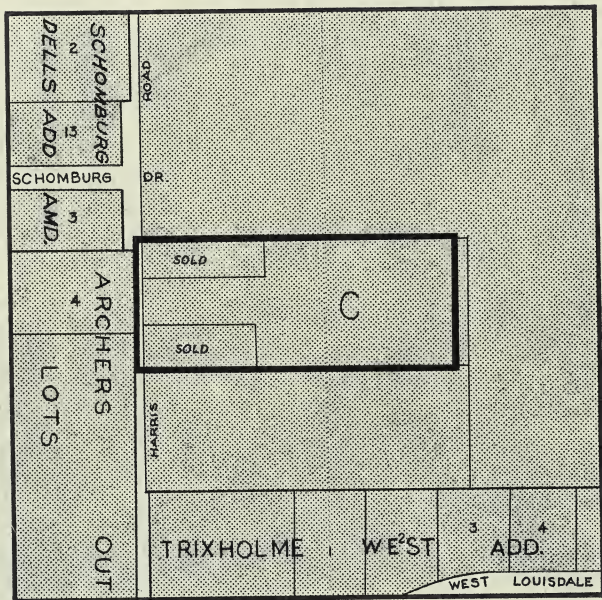
2-72-08-24




EXISTING LAND USE MAP

 - LOW DENSITY RESIDENTIAL

2-72-08-24



PROPOSED LAND USE MAP

 - LOW DENSITY RESIDENTIAL

N



BOARD OF PUBLIC SAFETY

City of Fort Wayne

October 9, 1972

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers : 73-72/E and 74-72/E.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Thomas J. Casaburo
Director of Public Safety

MADE A MATTER OF RECORD
DATE 10-10-72 CHARLES W. WESTERMAN, CITY CLERK



RETURN CERTIFICATE

(Regulatory Resolution No. 73-72 / E § 74-72/E

I hereby certify that I did this 6th day of October, 1972 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, The City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 73-72 / E § 74-72/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55, adopted FEB. 14, 1961.



EXECUTIVE SECRETARY

(Adopted October 6, 1972)

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew & Extend Regulatory Resolutions

54-72/E & 55-72/E

...; and,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD
OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

tions, it is hereby ordered, effective October 6, 1972.

1972, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. STOP INTERSECTION

1. Taylor st. - stop - at Freeman St.

B. NO PARKING

1. Madiera Dr. - both sides - from Reed Rd., east to the eastern terminus

REGULATORY RESOLUTION NO 74-72/E

(Adopted October 6, 19 72)

WHEREAS, Section 20(a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G -55 adopted FEB. 14 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew & Extend Regulatory Resolution 56-72/E

_____ ; and,

WHEREAS, the City Traffic : Engineer has, by written memorandum dated September 26, 19 72, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No G -55. adopted FEB. 14. 1961. to make experimental regulations to cover special condi-

tions, it is hereby ordered, effective October 6,

19 72, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. ONE WAY STREET

1. Edgewater Ave. - eastbound - from Tecumseh St. to Delta Blvd.
2. Elizabeth St. - westbound - from Spy Run Ave. to Clinton St.
3. Crescent Ave. - northbound - from Edgewater Ave. to Lake Ave.

B. NO PARKING

1. Tecumseh St. - westbound - from Columbia Ave. to Lake Ave.

C. DELETE: ONE WAY STREET

1. Columbia Ave. - westbound - from Clay st. to Lafayette St.

D. STOP INTERSECTION

1. Crescent Ave. - stop - at Tennessee Ave.
2. Crescent Ave. - Stop - at Lake Ave.
3. Columbia Ave. - Stop - at Tecumseh St.
4. Columbia Ave. - Stop - at Crescent Ave.

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 10th day of October, 19 72; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 10th day of October, 19 72.

Charles W. Westerman
City Clerk

SEAL

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, OCTOBER 10, 1972

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Franklin Junior High School, 1903 St. Marys Avenue, Fort Wayne, Indiana, Tuesday evening, October 10, A.D., 1972 in Regular Session. President John Nickols in the chair, and Charles W. Westerman, Clerk, at the desk, present the following members nine viz:

Burns, Hinga, Kraus, Nickols, Moses, Donald Schmidt, Vivian Schmidt, Stier, Talarico

Absent: None

The invocation was given by Reverend Will Lawson, Sr., of the First-Wayne Street United Methodist Church.

The minutes of the last regular September 26, 1972 session having been delivered to the Council, were, on motion, approved as published.

COMMUNICATION FROM THE MAYOR

September 27, 1972
To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, September 27, 1972, I have approved the following ordinances passed by the Common Council at its regular meeting on September 26, 1972.

(Bill No. A-72-09-01)
APPROPRIATION ORDINANCE NO. A-13-72

AN ORDINANCE transferring funds within the 1972 Budget of the Civil Defense Office.

(Bill No. S-72-09-08)
SPECIAL ORDINANCE NO. S-80-72

AN ORDINANCE authorizing the execution of a deed to the State of Indiana for

certain real estate owned by the City of Fort Wayne, Indiana.

(Bill No. R-72-09-30)
RESOLUTION NO. R-38-72

A RESOLUTION authorizing the temporary advancement of funds from the St. Mary's River Impounding, Sewer Relief, Local Road and Street, Park Trust, Park Cumulative fund (funds) to the Civil City General Fund, Police Pension Fund, Fire Pension Fund and Park General Fund (Funds) for the period ending December 31, 1972.

(Bill No. Z-72-09-31)
ZONING MAP ORDINANCE NO. Z-13-72

AN ORDINANCE Correcting an Ordinance No. Z-05-72 amending City of Fort Wayne Zoning Map No. A-19.

(Bill No. S-72-06-14)
SPECIAL ORDINANCE NO. S-81-72

AN ORDINANCE approving bid document Ref. No. 444, with Gladieux Refinery, Inc. for SCl Road Oil for the Street Department.

(Bill No. S-72-09-04)
(Amended)
SPECIAL ORDINANCE NO. S-82-72

AN ORDINANCE amending Special Ordinance No. S-52-72.

(Bill No. S-72-09-16)
SPECIAL ORDINANCE NO. S-79-72

AN ORDINANCE repealing Special Ordinance No. S-24-72 which approved a certain bid document with WAYNE WASTE OIL for 350,000 Gal. SCl Road Oil.

(Bill No. S-72-09-07)
SPECIAL ORDINANCE NO. S-83-72

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for a sanitary sewer to serve the City's Water Construction Complex.

Respectfully submitted,

Ivan A. Lebamoff
Mayor

Made a matter of record 10-10-72

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE BOARD OF PUBLIC WORKS

October 4, 1972

Common Council
City of Fort Wayne

Gentlemen and Ms. Schmidt:

Pursuant to a legal opinion rendered by the City Attorney, on September 29th, 1972, I respectfully request the Committee on Public Works to withdraw Bill S-72-09-05.

It presently appears that Council does not have to be burdened with approval of every operational expenditure by the Board of Public Works. The Mayor is now working with your President and Clerk in order to devise a system to keep Council informed yet avoid time-consuming duplication.

Respectfully yours,

Dr. Jerry D. Boswell, Chairman
Board of Public Works

JDB/ss

Made a matter of record 10-10-72

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE CITY CLERK

City of Fort Wayne
City-County Building
One East Main Street
Fort Wayne, Indiana 46802

Charles W. Westerman
City Clerk

October 9, 1972

The Honorable Ivan A. Lebamoff
Mayor, City of Fort Wayne
City-County Building
Fort Wayne, Indiana 46802

Re: Rental Agreement with the
National Cash Register Company
Bill S-72-09-05

Dear Mr. Mayor:

The Common Council of the City of Fort Wayne has unanimously instructed me

to communicate to you its great displeasure with the manner in which the subject contract was handled.

To review the facts, by letter dated September 5, 1972, the members of the Board of Public Works requested the office of the City Attorney to prepare an ordinance to be introduced during the meeting of the Common Council on September 12, 1972, in which the Council would be asked to approve the subject contract. By letter dated September 14, 1972, Dr. Jerry D. Boswell, Chairman of the Board of Public Works, advised the Common Council that the City of Fort Wayne cannot receive certain benefits from the proposed contract "until the agreement is approved". Since he then asked for advance approval of the agreement by the nine members of the City Council, we conclude that the approval to which he referred was that of the the City Council.

On approximately September 15, 1972, prior to having received the approval of the City Council, the Board of Public Works executed the subject contract. When doing so, the Board of Public Works must have been cognizant of the embarrassment that their action would cause to the members of the City Council. By House Memorandum, dated September 29, 1972, a copy of which was received by this office on October 3, 1972, the City Attorney advised you that the approval of this contract by the City Council was not necessary. The opinion also accurately quotes Burns' Indiana Statutes, 48-1475, in part, as follows:

"*** no power belonging to one branch of government shall be exercised by the other branch thereof."

If, as Mr. Keller stated, the Board of Public Works has the power to execute the subject contract without the approval of the Common Council of this city, any action taken by the Common Council to approve or disapprove the subject contract would have been a meaningless gesture and, possibly, be understood by some to be an attempt by it to exercise a power belonging to the Executive Branch of the quoted part of Burns' Indiana Statutes, 48-1475. For that reason, and others, the standing committee on Public Works of the Common Council has recommended that the ordinance be withdrawn without any action thereon. It is anticipated that the ordinance will be withdrawn during the meeting of the Common Council now scheduled for the Franklin Junior High School on the evening of October 10, 1972.

Although Mr. Keller's Memorandum recognizes the general distinction between the powers of the Executive and Legislative branches of City government, it does not directly deal with what, if any, responsibility the Common Council has with regard to expenditures of this size and the contract which creates the City's obligation to expend funds. So that the Common Council may have a more clear understanding of its responsibility in this area, I have been instructed to seek a ruling on this question from the Indiana State Board of Accounts. The Common Council has no desire to avoid its responsibility but, likewise, is not willing to be used as a shield.

The members of the Council feel strongly that, when it receives an ordinance requested by the Executive branch of government and approved as to form and legality by the City Attorney, the action of the City Council on the question presented by the ordinance is required and that its action with regard thereto will not constitute an usurpation of the powers vested in the Executive branch of the government. The City Council considers its time too valuable to be squandered on considering questions which do not require its consideration. If

its action with regard to a proposed ordinance will be meaningless, the Council prefers not to waste its time considering the question merely so that the Executive branch of the Administration will have some other body with which to share responsibility in the event that the decision by the Executive branch of government is erroneous.

The Common Council respectfully requests that, in the future, when the Executive Branch of the government has determined to take certain action which it has the power to take, the Common Council not be involved in a meaningless, pretended approval or disapproval of that action. The Council wishes to rely upon the understanding that ordinances will not be forwarded to it unless its action with regard to that ordinance is required and that the approval of the City Attorney as to form and legality includes his opinion that the action of the Common Council on the proposed ordinance is necessary and will not constitute a violation of the above-cited section of Burns' Indiana Statutes, 48-1475. By the same token, the Council has instructed me to caution the Executive Branch of the government against any attempted usurpation of the powers of the Common Council.

Respectfully yours,

Charles W. Westerman
City Clerk

cc: Mr. David B. Keller

APPROVED:

Eugene Kraus, Jr.
Vivian G. Schmidt
D. J. Schmidt
Winfield Moses, Jr.
John Muckols
William T. Hinga
Samuel J. Talarico
Paul M. Burns
James S. Stier

October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972
October 10, 1972

Concurred in 10-10-72

Charles W. Westerman
City Clerk

COMMUNICATION FROM THE INDIANA STATE HIGHWAY COMMISSION

State of Indiana

Indianapolis

INDIANA STATE HIGHWAY COMMISSION
100 North Senate Avenue
Indianapolis, Indiana 46204

Room 1101, State Office Building
317-633-5816
October 6, 1972

City Clerk
City Building
Fort Wayne, Indiana

Re: SR 14
Fort Wayne
Allen County
Speed

Dear Sir:

Attached is a copy of a resolution regulating speed on SR 14 in and near the City of Fort Wayne, Allen County, as approved by the Indiana State Highway Commission on October 5, 1972.

Very truly yours,

Clinton A. Venable
Chief, Division of Traffic

cc: Mayor I. Lebamoff
Clerk of Circuit Court
Sheriff R. A. Bender
State Police
Fort Wayne District

CAV/md

Made a matter of record 10-10-72

Charles W. Westerman
City Clerk

NOTICE OF OFFICIAL ACTION
OF
INDIANA STATE HIGHWAY COMMISSION

WHEREAS, under and by virtue of the Statutes of the State of Indiana relative to traffic regulation, the Indiana State Highway Commission has the authority and the duty to adopt and promulgate regulations in the interest of the safety and convenience of the traveling public using the highways, including streets in cities and towns, under the control of said Commission, be it known that the following traffic regulation is hereby adopted:

Speed shall be regulated on SR 14 in and near the City of Fort Wayne, Allen County, as follows:

All traffic on SR 14 from a point 1500 feet west of Hadley Road to a point 1500 feet west of the west junction of US 24, a distance of approximately 2.45 miles. Existing zone - 55 MPH and 65 MPH. 55MPH

All traffic on SR 14 from a point 1500 feet west of the west junction of US 24 to the west junction of US 24, a distance of approximately 1500 feet. Existing zone - 40 MPH. 45MPH

NOTE: This action amends and/or supercedes previous official action at the above named location(s).

1672

ADOPTED THIS 5 DAY OF October, 1972

Approved: Clinton A. Venable Indiana State Highway Commission
Chief, Division of Traffic

Approved: G. Hallord BY: R.H. Harrell
Chief of Highway Operations Executive Director

Approved: N.W. H. ATTEST:
Chief Highway Engineer

David L. Waggoner
Secretary to the Commission

COMMUNICATION FROM THE CITY PLAN COMMISSION

October 5, 1972

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are the recommendations of the City Plan Commission on four (4) ordinances concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinances are designated as:

Bill No. Z-72-07-11
Bill No. Z-72-07-12
Bill No. Z-72-07-16
Bill No. Z-72-08-25

Respectfully submitted,
CITY PLAN COMMISSION

Certified and signed this
5th day of October, 1972

George Roser
Secretary

Made a matter of record 10-10-72

Charles W. Westerman
City Clerk

October 5, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are copies of resolutions pertaining to four (4) zoning ordinance amendments acted upon by the City Plan Commission at their regular meeting held September 25, 1972. In addition to the reasons outlined in the resolutions, the following are additional remarks pertaining to the ordinances involved.

1. Bill No. Z-72-07-11

A. Intended Use: Beauty Shop

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) This change would be in conflict with the Master Plan which provided for high density residential in this area.
- (2) The alley located to the east of this petitioned change serves as an effective buffer between residential and commercial uses in the area.
- (3) If this property were zoned commercial it would set a precedent for additional commercial development to extend to Eastbrook Drive which would be the next intersecting street to the west.
- (4) The present traffic count for this segment of State Blvd., is approximately 15,234 trips daily. Additional commercial uses would create an even greater burden on State Blvd., because of increased traffic generation.

2. Bill No. Z-72-07-12

A. Intended Use: Real Estate Office

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) This petitioned change would constitute spot zoning.
- (2) It is the feeling of the Site Committee that if those property owners fronting E. State Blvd., wish their property rezoned, they should join on one petition for the rezoning of all of their properties.

3. Bill No. Z-72-07-16

A. Intended Use: Service Station

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) The location of this petitioned change constitutes spot zoning.
- (2) This change would only be in the best interest of the petitioner.
- (3) The need does not exist for additional commercial in this area due to the construction of two shopping centers at the intersection of St. Joe and St. Joe Center Road.

4. Bill No. Z-72-08-25

A. Intended Use: Duplex

B. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- (1) This change would constitute spot zoning.
- (2) This petitioned change would be in conflict with the existing land use of the area which is single family residential.

If there are any questions with regard to these ordinances, please feel free to call on us.

Respectfully submitted
CITY PLAN COMMISSION

William J. Jones
Director of Planning

WJJ:pr
Att:

CC: Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-07-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such

proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972

George H. Roser
Secretary

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-07-12; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George Roser
Secretary

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-07-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

WHEREAS, the City Plan Commission conducted a public hearing on such

proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George Roser
Secretary

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-08-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George H. Roser
Secretary

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto are the recommendations of the City Plan Commission on two (2) ordinances concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinances are designated as:

Bill No. Z-72-08-23

Bill No. Z-72-08-24

Respectfully submitted,

Certified and signed this
5th day of October, 1972.

George Roser
Secretary

Made a matter of record 10-10-72

Charles W. Westerman
City Clerk

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held September 25, 1972. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-72-08-23

A. Intended Use: Restaurant

B. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reasons:

- (1) This change would be compatible with the existing development in this area.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,
CITY PLAN COMMISSION

William J. Jones
Director of Planning

WJJ:pr
Att.
CC:Mayor Ivan Lebamoff

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-08-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the over-all City Plan.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George H. Roser
Secretary

October 5, 1972

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held September 25, 1972. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved:

1. Bill No. Z-72-08-24

This ordinance was requested to be withdrawn by written request of the petitioner as attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

WJJ:pr
Att.
CC: Mayor Ivan Lebamoff

Respectfully submitted
CITY PLAN COMMISSION

William J. Jones
Director of Planning

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 22, 1972, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-72-08-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1972; and,

WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission by the petitioner,

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1972.

Certified and signed this
5th day of October, 1972.

George H. Roser
Secretary

COMMUNICATION FROM THE BOARD OF PUBLIC SAFETY

October 9, 1972

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 73-72/E and 74-72/E.

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Thomas J. Casaburo
Director of Public Safety

Made a matter of record 10-10-72

Charles W. Westerman
City Clerk

RETURN CERTIFICATE

(Regulatory Resolution No. 73-72/E & 74-72/E)

I hereby certify that I did this 6th day of October, 1972 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 73-72/E & 74-72/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Secretary of said Board, in accordance with the provisions of Section 20 (a) of Chapter 31, Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance G-55 adopted FEB. 14, 1961.

Lawrence Riley
Executive Secretary

REGULATORY RESOLUTION NO. 73-72/E
(Adopted October 6, 1972)

WHEREAS, Section 20 (a), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew & Extend Regulatory Resolutions 54-72/E 7 55-72/E; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 26, 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) of Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 to make experimental regulations to cover special conditions, it is hereby ordered, effective October 6, 1972, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. STOP INTERSECTION

1. Taylor St. - stop - at Freeman St.

B. NO PARKING

1. Mадiera Dr. - both sides - from Reed Rd, east to the eastern terminus

REGULATORY RESOLUTION NO. 74-72/E
(Adopted October 6, 1972)

WHEREAS, Section 20 (a) (3), Chapter 31, Municipal Code of the City of Fort Wayne, Indiana, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 authorizes the Board of Public Safety to make experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Experimental Regulation hereinafter ordered, with regard to Renew & Extend Regulatory Resolution 56-72/E; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated September 26, 1972, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 20 (a) (3) Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana 1946, as amended by General Ordinance No. G-55 adopted FEB. 14, 1961 to make experimental regulations to cover special conditions, it is hereby ordered, effective October 6, 1972, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that THE FOLLOWING BE ESTABLISHED:

A. ONE WAY STREET

1. Edgewater Ave. - eastbound - from Tecumseh St. to Delta Blvd.
2. Elizabeth St. - westbound - from Spy Run Ave. to Clinton St.
3. Crescent Ave. - northbound - from Edgewater Ave. to Lake Ave.

B. NO PARKING

1. Tecumseh St. - westbound - from Columbia Ave. to Lake Ave.

C. DELETE: ONE WAY STREET

1. Columbia Ave. - westbound - from Clay St. to Lafayette St.

D. STOP INTERSECTION

1. Crescent Ave. - Stop - at Tennessee Ave.
2. Crescent Ave. - Stop - at Lake Ave.
3. Columbia Ave. - Stop - at Tecumseh St.
4. Columbia Ave. - Stop - at Crescent Ave.

BILL NO. A-72-10-01

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE appropriating and transferring funds within the 1972 Budget of the Board of Public Safety-Police Department.

WHEREAS, it is necessary to transfer certain sums to meet the required payroll of the Adult Guards for the remainder of 1972; and

WHEREAS, there are sufficient funds remaining in Account No. 8-1-113e, Salaries, in the 1972 Budget of the Board of Public Safety-Police Department, to cover the amount herein appropriated and which funds are not required for any other purpose;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated and transferred the sum of \$3,000.00 from Account No. 8-1-113e, Salaries to Account No. 8-1-111a, Salaries, in the 1972 Budget of the Board of Public Safety-Police Department.

SECTION 2. That the unobligated balance of Account No. 8-1-113e, Salaries, in the 1972 Budget of the Board of Public Safety-Police Department, is hereby reduced in the amount of \$3,000.00.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by Moses and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday the 24th day of October, 1972, at 7:30 P.M. o'clock.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. A-72-10-02

APPROPRIATION ORDINANCE NO. A-_____

AN ORDINANCE appropriating and transferring funds within the 1972 Budget of the Board of Public Safety-Police Department.

WHEREAS, there are insufficient funds in certain accounts to repair police vehicles for the remainder of the year and there are insufficient funds to cover the cost of cleaning blankets for ambulance service; and

WHEREAS, there are sufficient funds remaining in Account No. 8-1-113, Salaries, in the 1972 Budget of the Board of Public Safety-Police Department, to cover the amount herein appropriated and which funds are not required for any other purpose;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated and transferred the sum of \$15,500.00 from Account No. 8-1-113, Salaries, to the following Accounts:

Account No. 8-2-252 E	Repair of Equipment	\$9,000.00
Account No. 8-3-331 E	Laundry	500.00
Account No. 8-4-43 E	Repair Parts	6,000.00

SECTION 2. That the unobligated balance of Account No. 8-1-113, Salaries, in the 1972 Budget of the Board of Public Safety-Police Department, is hereby reduced in the amount of \$15,500.00.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by Moses and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday the 24th day of October, 1972, at 7:30 P.M. o'clock.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. S-72-10-03

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a contract with NORTHEASTERN ENTERPRISES, INC. for construction of Main Sanitary Sewer and Laterals in the area of Maplecrest Road and Vance Avenue.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved September 28, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and NORTHEASTERN ENTERPRISES, INC. for construction of Main Sanitary Sewer and Laterals

in the area of Maplecrest Road and Vance Avenue all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works and is by reference incorporated herein and made part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns seconded by Hinga and duly adopted, read the second time by title and referred to the Committee on City Utilities.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. S-72-10-06

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE approving a certain bid document with Ray O'Herron Company, Inc. for (50) Smith & Wesson Revolvers.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 474 dated September 22, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety-Police Department and Ray O'Herron Company, Inc., for:

(50) Smith & Wesson Model 15 Revolvers
Company Masterpiece .38 Caliber 4"
Blue Barrel.

\$67.35 each.....\$3,367.50
as more specifically set forth in said bid document Ref. No. 474 and Purchase Order No. 3-10460, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. S-72-10-10

SPECIAL ORDINANCE NO. S-_____

AN ORDINANCE authorizing the sale of certain real estate near Schwartz Road owned by the City of Fort Wayne, Indiana.

WHEREAS, the City of Fort Wayne, Indiana is the owner of certain real estate in Allen County, Indiana, said real estate being more particularly described as follows:

Part of the North half of Section 22, Township 32 North, Range 13 East in Allen County, State of Indiana, described as follows, to-wit:

Beginning at a point on the south line of the north-east one-quarter ($\frac{1}{4}$) of said Section, said point being situated 247.0 feet east of the center of said Section; thence north 28 degrees 59 minutes west 75.90 feet; thence north 40 degrees 03 minutes 40 seconds west 297.95 feet; thence south 84 degrees 40 minutes 12 seconds east 192.36 feet; thence south 3 degrees 37 minutes and 27 seconds east 252.0 feet to the place of beginning, containing 0.505 acres, more or less.

WHEREAS, said real estate is presently under the jurisdiction of the Civil City of Fort Wayne, Indiana and its Board of Public Works, and was acquired in connection with the construction of Cedarville Reservoir, and now has no further use to the City of Fort Wayne, Indiana; and

WHEREAS, the Board of Public Works, by Resolution under date of _____, has determined that it will be to the best interest of the City of Fort Wayne, Indiana to offer said real estate for sale; the sales price thereof to be a sum in cash of not less than the full appraised value thereof, as determined by appraisers hereinbelow provided; said appraisers appointed in the manner required by law prior to the sale of municipal lands or interests in such lands, and provided further that such sale be made for a sum of not less than such appraised value;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor of the City of Fort Wayne, Indiana be and he is hereby authorized and directed in the name of, for and on behalf of said City, to sell, grant and convey the real estate described above in fee simple, the sales price thereof to be a sum in cash of not less than the full appraised value

thereof as determined by the appraisers hereinbelow provided.

SECTION 2. That upon full payment of the purchase price of said real estate to said City, the said Mayor, in the name of and for and on behalf of said City, shall be, and hereby is, authorized and directed to execute and deliver an instrument granting and conveying to the highest bidder for the purchase of said above described real estate in fee simple, and the signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne, Indiana, and accompanied by the seal of said City.

SECTION 3. The Judge of Allen Circuit Court be, and he is hereby requested to appoint three (3) disinterested freeholders of the City of Fort Wayne to appraise and determine the value of the above described real estate with a view to the sale of the same, and prior to such appraisement the Board of Public Works shall advise said appraisers of the terms and conditions to be included in the instrument of conveyance which said Board considers necessary or advisable in the best interests of said City.

SECTION 4. This Ordinance shall be and continue sufficient authority for the Mayor and the Board of Public Works and the City Clerk of the City of Fort Wayne, Indiana to effect the sale, grant and conveyance of said above described real estate in fee simple and to do all things incidental thereto or necessary therefor.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga seconded by Moses and duly adopted, read the second time by title and referred to the Committee on Finance.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. X-72-010-07

ANNEXATION ORDINANCE NO. X-_____

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Parts of the North half of Section 29, and part of the Northeast $\frac{1}{4}$ of Section 30, all in Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the intersection of the North right-of-way line of Trier Road with the West right-of-way line of the Hobson Road; thence East along the North right-of-way line of the Trier Road to its intersection with the West right-of-way line of the Reed Road; thence North along the West right-of-way line of the Reed Road to its intersection with the South right-of-way line of State Road # 37 (Stellhorn Road); thence West along the South right-of-way line of State Road # 37 (Stellhorn Road) to its intersection with the West right-of-way line of the Hobson Road; thence South along the West right-of-way line of the Hobson Road to its intersection with the North right-of-way line of Trier Road, the place of beginning, containing approximately 320 acres,

SECTION 2. Said annexed territory shall be part of Councilmanic District No. of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication.

Vivian G. Schmidt
Councilman

Read the first time in full and on motion by V. Schmidt seconded by Kraus and duly adopted, read the second time by title and referred to the Committee on Annexation.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. X-72-10-08

ANNEXTATION ORDINANCE NO. X-_____

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Parts of West Half of Sections 28 and 33, and N.E. $\frac{1}{4}$, Section 32 and S.E. $\frac{1}{4}$, Section 29, Township 31 North, Range 13 East.

Commencing at the intersection of the North right-of-way line of State Boulevard (Hicksville Road) and the West right-of-way line of Reed Road, said line being the existing corporate limits; thence East on said North right-of-way line of State Boulevard to its intersection with the East line of the West half of Section 33, Township 31 North, Range 13 East; thence North on the East line of the West half of Sections 33 and 28, Township 31 North, Range 13 East, to its intersection with the South right-of-way line of Trier Road; thence West on said South right-of-way line of Trier Road to the intersection of the West right-of-way line of Reed Road; thence South on said West right-of-way line of Reed Road to the North right-of-way line of the aforementioned State Boulevard the point of beginning, excluding, the West 816.6 feet of the North 427 feet of the Southwest $\frac{1}{4}$ of Section 28, Township 31 North, Range 13 East, of Allen County, Indiana, containing approximately 313 acres.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication.

Vivian G. Schmidt
Councilman

Read the first time in full and on motion by V. Schmidt seconded by Kraus and duly adopted, read the second time by title and referred to the Committee on Annexation.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. X-72-10-09

ANNEXATION ORDINANCE NO. X-_____

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Section 19, the Southeast Quarter of Section 18, the Southwest Quarter of Section 17, and the West half of Section 20, Township 31 North, Range 13 East, Allen County, Indiana; more particularly described as follows to-wit:

Beginning at the intersection of the East right-of-way line of the St. Joe Road with the North line of the Southwest one quarter of Section 20, Township 31 North, Range 13 East; thence South along the East right-of-way line of St. Joe Road to a point representing the easterly extension of the North line of the South one half of the South one half of Section 19, Township 31 North, Range 13 East; thence West along the said North line of the South one half of the South one half of said Section 19 to its intersection with the center line of the St. Joseph River; thence upstream in a northerly direction following the meanderings of the center line of the St. Joseph River crossing St. Joe Center Road to its intersection with the westerly extension of the north line of St. Joe Gardens Addition; thence East along the westerly extension and the north line of the St. Joe Gardens Addition to a point situated 277 feet West of the center line of the St. Joe Road; thence, North 37 degrees and 45 minutes east along a line parallel with the center line of the St. Joe Road a distance of 123.8 feet to a point; thence east along a line being parallel to the North line of St. Joe Gardens Addition extended easterly, a distance of 252± feet to its intersection with the West right-of-way line of the St. Joe Road; thence in a Southwesterly direction on and along the West right-of-way line of St. Joe Road, crossing St. Joe Center Road, to its intersection with the east/west center line of Section 19, Township 31 North, Range 13 East; thence East to the intersection of the East right-of-way line of St. Joe Road with the North line of the Southwest one quarter of Section 20, Township 31 North, Range 13 East, to the point of beginning. Containing therein approximately acres.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication.

Vivian G. Schmidt
Councilman

Read the first time in full and on motion by V. Schmidt seconded by Kraus and duly adopted, read the second time by title and referred to the Committee on Annexation.

Date: 10-10-72

Charles W. Westerman
City Clerk

BILL NO. R-72-10-04

RESOLUTION NO. R-40-72

RESOLUTION authorizing payment for repairs
to City-owned vehicle.

WHEREAS, Squad Car #10 was damaged in an automobile accident August 13, 1972, at 1100 Nevada Street; and

WHEREAS, settlement in the amount of \$69.00 was made by Western Casualty and Surety Company, to the City Controller's Office, which money was receipted into the General Fund; and

WHEREAS, Jim Kelley Buick, Inc. has submitted an estimate in the amount of \$69.00, which sum is the reasonable value of said repairs;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the City Controller is authorized to pay the sum of \$69.00 to Jim Kelley Buick, Inc. for repairs to Squad Car # 10.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga seconded by Talarico and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine

Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 10-10-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-40-72 on the 10th day of October, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1972, at the hour of 9:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of October, 1972 at the hour of 10:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

BILL NO. R-72-10-05

RESOLUTION NO. R-39-72

RESOLUTION authorizing payment for repairs
to Street Department vehicle.

WHEREAS, Barbara L. Sweet, in an accident, damaged a Street Department vehicle, No. 293, and

WHEREAS, settlement in the amount of \$375.95 was paid by the Lumbermans Mutual Insurance Co., to the Controller's Office, which money was received into the General Fund, and

WHEREAS, this repair will be made by the Jerry Watson Ford Company.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

1. That the City Controller is authorized to pay the sum of \$375.95 to Jerry Watson Ford, Co. for repairs to Street Department Vehicle, No. 293.

William T. Hinga
Councilman

Date: 10-10-72

Charles W. Westerman
City Clerk

Read the third time in full and on motion by Hinga seconded by Burns and duly adopted, placed on its passage seconded by Burns and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-10-72

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-39-72 on the 10th day of October, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1972, at the hour of 9:00 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 11th day of October, 1972, at the hour of 10:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

G-72-09-29

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending Chapter 11, Sections 20, 21, 22 and adding Sections 23 and 24 of the Municipal Code of the City of Fort Wayne, Indiana 1946, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO NOT PASS.

James S. Stier
William T. Hinga
Paul M. Burns

Concurred in 10-10-72

Charles W. Westerman
City Clerk

BILL NO. G-72-09-29

GENERAL ORDINANCE NO. G-Defeated

AN ORDINANCE amending Chapter 11 Sections 20, 21, 22 and adding Sections 23 and 24 of the Municipal Code of the City of Fort Wayne, Indiana 1946.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Sections 20, 21 and 22 of Chapter 11 of the Municipal Code of the City of Fort Wayne, Indiana, 1946, are hereby amended to read as follows:

Sec. 20. No nuisance where adequate and open fire lanes.

No building shall constitute such a nuisance if the owner and lessee provided adequate marked fire lanes, complying with the standards proposed by the Fire Prevention Bureau as hereinafter provided and keep such lanes open at all time for fire fighting equipment.

Sec. 21. Standards For Dedication of Lanes.

The Fire Prevention Bureau shall prepare standards for the dedication of the fire lanes, which standards shall be furnished upon request to anyone wanting them.

Sec. 22. Dedication of Lanes

No building permit shall be issued a) for the construction of any new building in a shopping center which has, or which has been planned to have, three or more different lessees engaged in retail sales, in the service and repair business, in the restaurant business or in the entertainment business; b) for the construction of a nursing home, or for the alteration of an existing building for such use; c) for the construction of an apartment building having six or more separate apartments, or for the alteration of an existing building for such use, unless the owner of the real estate upon which the construction or alteration is to occur shall first have dedicated adequate fire lanes, either for general public use or for use only as fire lanes, and unless the bureau of fire prevention shall have issued its certificate in writing that such fire lanes as dedicated, comply with the standards prepared by said bureau. Thereafter the fire department shall be responsible for marking the lanes and keeping them open and the owner and lessee shall be relieved of all further responsibility under this article.

SECTION 2. Chapter 11 of the Municipal Code of Fort Wayne, Indiana, 1946 shall be amended by adding thereof Sections 23 and 24 as follows:

Sec. 23. Penalties For Obstruction Of Lanes.

Any person parking in or otherwise obstructing a marked fire lane, whether or not dedicated, shall be subject to the same penalties provided for such parking or otherwise obstructing fire lanes on public streets. Personnel of the Fire Prevention Bureau are authorized to, and shall, issue tickets for such parking or otherwise obstructing marked fire lanes.

Sec. 24. Severability

If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part of provision.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Eugene Kraus Jr.
Councilman

Read the third time in full and on motion by Kraus seconded by Stier and duly adopted, placed on its passage. Lost by the following vote:

Ayes: Two
Kraus, Nuckols
Nays: Seven
Burns, Hinga, Moses, D. Schmidt, V. Schmidt, Stier, Talarico

Date: 10-10-72

Charles W. Westerman
City Clerk

Defeated on the 10th day of October, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

G-72-09-27 (Amended)

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance pertaining to the inspection of service stations by the Fire Prevention Bureau have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO NOT PASS.

Eugene Kraus Jr.
James S. Stier
Vivian G. Schmidt

Concurred in 10-10-72

Charles W. Westerman
City Clerk

BILL NO. G-72-09-27 (Amended)

GENERAL ORDINANCE NO. G-Defeated

AN ORDINANCE pertaining to the inspection of
service stations by the Fire Prevention Bureau.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. For the purpose of this Ordinance, the term "service station" is defined as meaning an establishment which stores gasoling, oil and/or other petroleum products on the premises and which sells and same at retail for use in vehicles powered by internal combustion engines.

SECTION 2. It shall be the duty of the Fire Prevention Bureau of the City of Fort Wayne to inspect each service station within the City limits of said City at least once every year to ensure that said station is in full compliance with the Fire Prevention Code of said City.

SECTION 3. Upon such inspection, the Fire Prevention Bureau shall issue a certificate of compliance with the Fire Prevention Code. In the event a service station shall not be in full compliance with the Fire Prevention Code, the Fire Prevention Bureau shall leave a written statement at the service station describing the reasons why such station fails to comply with the Fire Prevention Code. Thereafter the Fire Prevention Bureau shall reinspect such service station at bi-weekly intervals until compliance is attained. There shall be a charge of \$25.00 for each such reinspection after the first inspection.

SECTION 4. This Ordinance shall be in full force and effect from and after passage, approval by the Mayor and legal publication thereof.

Eugene Kraus Jr.
Councilman

Read the third time in full and on motion by Kraus seconded by V. Schmidt and duly adopted, placed on its passage. Lost by the following vote:

Ayes: Four
Kraus, Moses, V. Schmidt, Stier
Nays: Five
Burns, Hinga, Nuckols, D. Schmidt, Talarico

Date: 10-10-72

Charles W. Westerman
City Clerk

Defeated on the 10th day of October, 1972.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer

S-72-09-05

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving an agreement with NATIONAL CASH REGISTER for rental equipment, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance be WITHDRAWN.

Winfield Moses Jr.
William Hinga
Samuel Talarico
Eugene Kraus Jr.

Made a Matter of Record
10-10-72

Charles Westerman
City Clerk

BILL NO. S-72-09-05

SPECIAL ORDINANCE NO. S-Withdrawn

AN ORDINANCE approving an agreement with NATIONAL CASH REGISTER for rental equipment.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain agreement between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and NATIONAL CASH REGISTER for equipment to replace equipment rented by City Utilities from International Business Machines, as more specifically set forth in said agreement which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses Jr.
Councilman

S-72-09-13

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving contract BOWEN ENGINEERING CORPORATION for construction of Large Scale Demonstration of Treatment of Storm-Caused Overflow By the Screening Method - Section V, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Winfield Moses Jr.
William T. Hinga
Samuel J. Talarico
Eugene Kraus Jr.
Donald J. Schmidt

Concurred in 10-10-72

Charles Westerman
City Clerk

BILL NO. D-72-09-13

SPECIAL ORDINANCE NO. S-84-72

AN ORDINANCE approving contract BOWEN ENGINEERING CORPORATION for construction of Large Scale Demonstration of Treatment of Storm-Caused Overflow By the Screening Method - Section V

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract approved September 22, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and BOWEN ENGINEERING CORPORATION, for:

Construction of Large Scale Demonstration of
Treatment of Storm-Caused Overflow By the
Screening Method - Section V

for a total cost of \$1,292,024.00, of which the City will share with Environmental Protection Agency, all as more particularly set forth in said contract, which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses Jr.
Councilman

Read the third time in full and on motion by Moses seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 10-10-72

Charles Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-84-72 on the 10th day of October, 1972.

ATTEST: (SEAL)

Charles Westerman
City Clerk

John Nuckols
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1972, at the hour of 9:00 o'clock A.M., E.S.T.

Charles Westerman
City Clerk

Approved and signed by me this 11th day of October, 1972, at the hour of 10:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

S-72-09-14

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving Change Order No. 1 with BERGOT-GIBSON, INC. in the amount of \$35,552.00 for Storm Sewer Resolution No. 259-1971, in the area of Colerick-Monroe Inner City, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Winfield Moses Jr.
William T. Hinga
Samuel J. Talarico
Eugene Kraus Jr.
Donald J. Schmidt

Concurred in 10-10-72

Charles Westerman
City Clerk

BILL NO. S-72-09-14

SPECIAL ORDINANCE NO. S-85-72

AN ORDINANCE approving Change Order No. 1 with BERGOT-GIBSON, INC. in the amount of \$35,552.00 for Storm Sewer Resolution No. 259-1971, in the area of Colerick-Monroe Inner City.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, with BERGOT-GIBSON, INC., in connection with Storm Sewer Resolution No. 259-1971, to cover additional unforeseen construction items and to incorporate additional needed street rehabilitation into the scope of the overall project in the Colerick-Monroe Inner City, for a total cost of \$35,552.00, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses
Councilman

Read the third time in full and on motion by Moses seconded by Stier and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Hinga, Kraus, Nuckols, Moses, V. Schmidt, Stier, Talarico
Nays: Two
Burns, D. Schmidt

Date: 10-10-72

Charles Westerman

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, on the 11th day of October, 1972, at the hour of 9:00 o'clock A.M., E.S.T.

Charles Westerman
City Clerk

Approved and signed by me this 11th day of October, 1972, at the hour of 10:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff
Mayor

S-72-09-15

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving a Contract with WALKER PROCESS EQUIPMENT for furnishing Clarifier Mechanism, have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Winfield Moses Jr.
William T. Hinga
Samuel J. Talarico

Concurred in 10-10-72

Charles Westerman
City Clerk

BILL NO. S-72-09-15

SPECIAL ORDINANCE S-86-72

AN ORDINANCE approving a Contract with WALKER PROCESS EQUIPMENT for furnishing Clarifier Mechanism.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The contract dated June 28, 1972, between the City of Fort Wayne, by and through its Mayor and the Board of Works, and WALKER PROCESS EQUIPMENT for:

Contract 72-W-1 for furnishing Clarifier
Mechanism in Connection with Water Works
Improvement Project in the amount of \$41,774.00.

all as more specifically set forth in contract, which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Winfield Moses Jr.
Councilman

Read the third time in full and on motion by Moses seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier Talarico

Nays: None

Date: 10-10-72

Charles Westerman

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-86-72 on the 10th day of October, 1972.

ATTEST:

(SEAL)

Charles Westerman

City Clerk

John Nuckols

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of October, 1972, at the hour of 9:00 o'clock A.M., E.S.T.

Charles Westerman

City Clerk

Approved and signed by me this 11th day of October, 1972, at the hour of 10:00 o'clock A.M., E.S.T.

Ivan A. Lebamoff

Mayor

The Council then Adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 10th day of October, 1972; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 10th day of October, 1972.

Charles W. Westerman
City Clerk

Minutes approved and signed in open Council this 24th day of October, 1972.

Charles W. Westerman
City Clerk

John Nuckols
Presiding Officer